

DRAWING AMENDMENTS

The attached sheet of drawings includes changes to Fig. 6. This sheet, which includes Fig. 6, replaces the original sheet including Fig. 6. In Fig. 6, numerical references have been omitted because method steps are clearly identified.

Please approve the drawing changes that are marked in red on the accompanying “Annotated Sheet Showing Changes” of Fig. 6. A formal “Replacement Sheet” of amended Fig. 6 is also enclosed.

Attachments: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS AND ARGUMENTS

Reconsideration of the application is requested.

Claims 1-12 remain in the application. Claims 1-12 have been amended. A marked-up version of the claims is attached hereto on separate pages.

In item 10 on page 1 as further elaborated under "Drawings" page 2 of the above-identified Office action, the drawings have been objected to as not complying with 37 CFR 1.84(p)(5) as because they include certain reference characters that are not mentioned in the instant specification.

Certain of the reference characters, namely, 30, 32, 34, 36, 38, 40, 42, 46, 48, 50, 52, and 54 have been inserted into the corresponding description in the instant specification. In Fig. 6 the reference characters have been deleted because the illustrated flowchart already includes a word description of each of the illustrated steps. A replacement sheet including corrected Fig. 6 is submitted herewith in the Appendix.

In view of the aforesaid changes, applicant submits that the Examiner's objection has been obviated and the Examiner is respectfully requested to withdraw the objection.

A new Abstract also is submitted herewith. In the course of reviewing the instant application for compliance with the applicable USPTO rules, it was noted that

inadvertently the previously submitted abstract was not applicable to the invention disclosed in instant application. Therefore, a corrected and appropriate new Abstract is submitted herewith.

In the paragraph under “Claim Rejections – 35 USC § 101” on page 3 of the above-identified Office action, claims 1-6 have been rejected as being non-statutory under 35 U.S.C. § 101.

Specifically, the Examiner stated that in method Claim 1 the recited method is neither tied to another statutory class nor transforms the underlying subject matter to a different state or thing, which renders the claim non-statutory subject matter.

Claim 1 has been amended to clarify that the claimed invention of forwarding post relies on and uses apparatus that is capable of performing the claimed method steps. The generally claimed features of the apparatus set forth in claim 7 have been included in claim 1 to overcome the Examiner’s rejection.

Accordingly, it is believed that claim 1 as amended and dependent claims 2-6 now comply with 35 U.S.C. § 101 and the Examiner is respectfully requested to withdraw the non-statutory rejection of claims 1-6.

In the second paragraph under “Claim Rejections – 35 USC. § 102” on page 4 of the above-identified Office action, claims 1 and 7 have been rejected as being anticipated by Allen et al. US 5703783 (herein “Allen”) under 35 U.S.C. § 102(b).

In the second paragraph under “Claim Rejections – 35 USC. § 103” on page 5 of the above-identified Office action, claims 2-6 and 8-12 have been rejected as being unpatentable over Allen in view of Kuebert et al. US 2002/0165729 A1 (herein “Kuebert”) under 35 U.S.C. § 103(a).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on pages 2 (lines 8-17) and 4 (lines 16-25) of the specification of the instant application. Further, the apparatus claims 9-12 have been amended to positively recite structural features in accordance with the Examiner’s helpful suggestions noted on page 10 of the above-identified Office action.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a method of forwarding post, having the steps of:

providing a post forwarding apparatus to determine if a current post destination address is expired,

if the destination address is expired, **automatically determining if an addressee of the post maintains a forwarding service account**, and if the **forwarding service account is maintained, debiting the account automatically in an appropriate amount and forwarding the post to an addressee** destination address. (emphasis added)

Independent claim 7 sets forth structural features of an apparatus for accomplishing the method recited in claim 1 in accordance with the present invention.

The present invention is directed to a method and system for forwarding articles such a pieces of mail, commonly referred to as "post." An initial determination is automatically made as to whether the article has been previously handled and is subject to redirection or ad hoc forwarding. If the article is subject to ad hoc forwarding then another determination is automatically made as to whether the intended recipient has maintained an account to cover the expense of forwarding the article. If such an account is not maintained, then in that event the recipient is given an opportunity, for a pre-selected period of time, to establish such an account. If such an account is not established within the pre-selected period then the article is not delivered and may be destroyed. On the other hand, if such an account exists, then the article is forwarded to the specified addressee and the account is debited accordingly. The present invention has the advantages of expeditiously facilitating the redirection of articles and the collection of fees dues for such forwarding on an automatic basis.

The Allen reference discloses apparatus for intercepting and forwarding incorrectly addressed mail. The apparatus reads the name of the addressee and the destination address on the mailpiece and then compares it to a database containing a list of names and their former addresses who have requested forwarding service. If a match is determined from such comparison, then the mailpiece is removed from the mail stream. The apparatus then searches for an forwarding address which

upon location are printed on the mailpiece in question, whereupon the mailpiece is returned to the normal mail stream for delivery to the addressee at the forwarding address. There is no suggestion or disclosure in Allen of maintaining an account for forwarding of mailpieces or of automatically determining if a post forwarding account is maintained, and if such an account exists automatically debiting the account for the forwarding. Allen discloses making a comparison of the address with the maintained database but does not disclose that there be an automatic determination of whether a mail forwarding account exists or that an account be maintained so that forwarded mail can be paid for expeditiously to facilitate the forwarding process.

Clearly, Allen does not show “providing a post forwarding apparatus to determine if a current post destination address is expired” and “if said destination address is expired, automatically determining if an addressee of the post maintains a forwarding service account” and “if said forwarding service account is maintained, debiting said account automatically in an appropriate amount and forwarding said post to an addressee destination address” as recited in claim 1 of the instant application. Apparatus claim 7 contains a limitation of “means for automatically determining if an addressee of said post maintains a forwarding service account if said destination address is expired, and means for automatically debiting said account in an appropriate amount and forwarding said post to an addressee destination address if said forwarding service account is maintained” that is not disclosed or suggested by Allen.

The Kuebert reference discloses a mail delivery system wherein the delivery point and time for a mail item can be changed while in route. This is accomplished by determining that the mail is in transit and then sending a notification to change the delivery destination or time of delivery. There is no disclosure or suggestion of establishing a mail redirection account, let alone automatically determining whether a mail forwarding account exists in the first instance, and if it does then automatically debiting the account for the redirection of mail as recited in the claims of the instant application. Moreover, it is submitted that the combination of Allen and Kuebert is based on hindsight reconstruction of applicants claimed invention and is not suggested by the distinctly different problems faced by the respective references.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 7. Claims 1 and 7 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 7.

In view of the foregoing, reconsideration and allowance of claims 1-12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Appl. No. 10/579,845
Amdt. dated 11/28/08
Reply to Office action of 8/27/08

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

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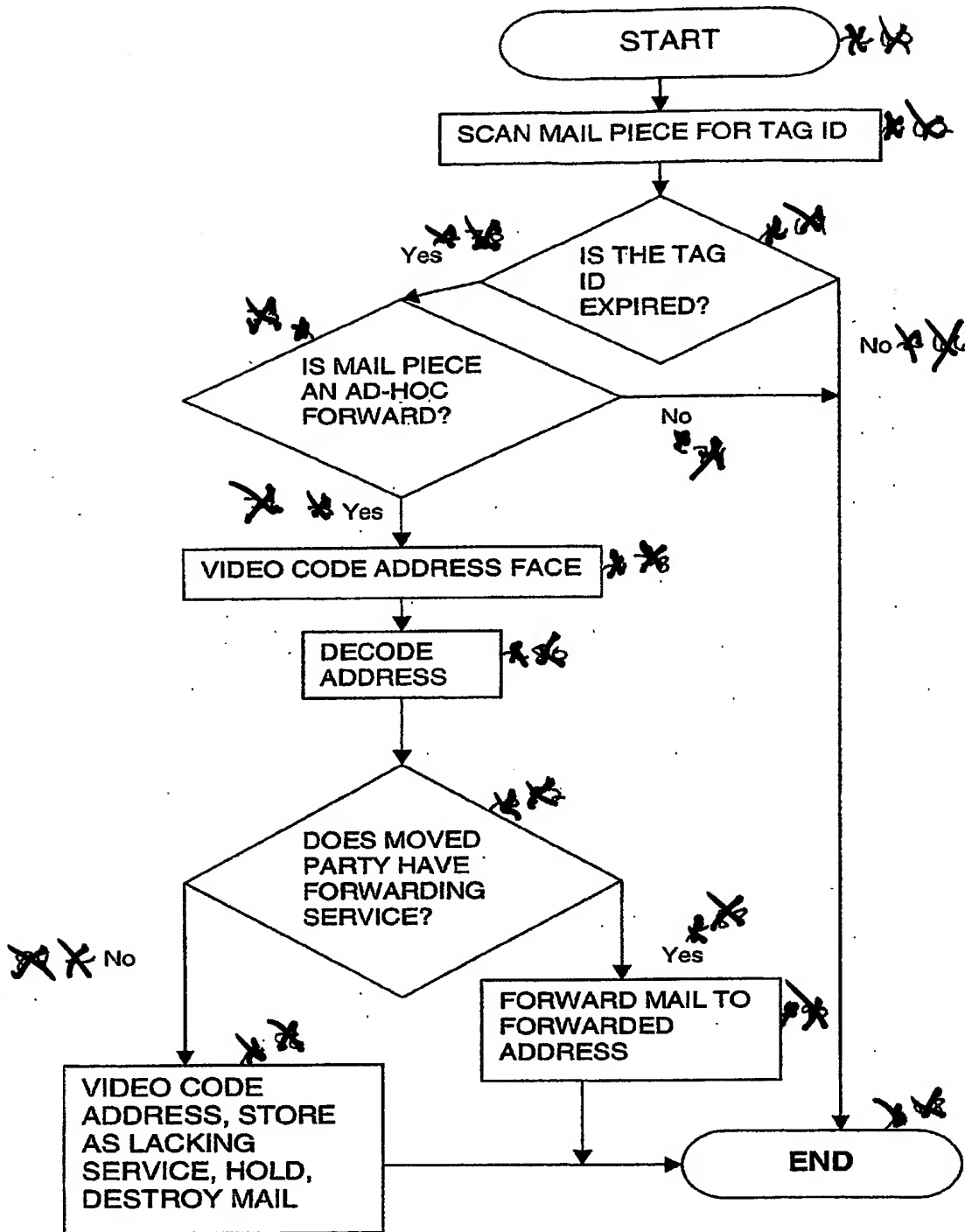


FIGURE 6